

American Type Culture Collection

Foreign General

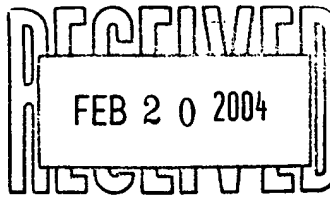
12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)881-2600 Telex: 898-055 ATCCNORTH

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2
To: (Name and Address of Depositor or Attorney)

Genetics Institute, Inc.
87 CambridgePark Drive
Cambridge, Massachusetts 02140
Attention: John Wozney



Deposited on Behalf of: Genetics Institute, Inc.

Identification Reference by Depositor:

ATCC Designation

Bacteriophage lambda containing a human DNA sequence for a bone growth factor, U20S-3	40342 ✓
Bacteriophage lambda containing a human DNA sequence for a bone growth factor, Lambda U2-OS-1	40343
Bacteriophage lambda containing a bovine genomic DNA sequence, lambda BP819	40344
Bacteriophage lambda containing a human DNA sequence for a bone growth factor, U20S-39	40345

The deposits were accompanied by: ___ a scientific description ___ a proposed taxonomic description indicated above.

The deposits were received June 16, 1987 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

- We will inform you of requests for the strains for 30 years.
- We will not inform you of requests for the strains.
- The strains are available to the scientific public upon request as of

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above were tested June 19, 1987. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Bobbie A. Brandon
(Mrs.) Bobbie A. Brandon, Head, ATCC Patent Depository

Date: June 19, 1987

cc: ✓Mary E. Sak

ATCC
40342



Budapest Treaty Deposits

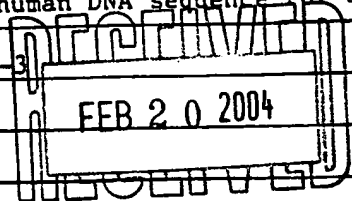
GI 5071 *copy*

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TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

- *1. Name of microorganism or culture Bacteriophage lambda containing a human DNA sequence for a
- 2. Strain designation given by the depositor (number, symbols, etc.) bone growth factor U20S-3
- 3. Is this an original deposit under the Budapest Treaty? Yes
- 4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? (If so, indicate ATCC designation.) No
- 5. Is this deposit a mixture of microorganisms? No
- 6. Details and conditions necessary for the cultivation of the strain, for its storage and for testing its viability and also, where a mixture of microorganisms is deposited, descriptions of the components of the mixture and at least one of the methods permitting the checking of their presence.



Cultivate in E. coli C600 under standard conditions
Store in 7% DMSO at -70°C

- 7. An indication of the properties of the strain which are or may be dangerous to health or the environment, or an indication that the depositor is not aware of such properties. None

- *8. It is recommended that sufficient description be provided to allow the ATCC to confirm that the strain deposited generally conforms to that which the depositor states is being deposited (i.e., Gram negative rod). Phage lambda

- *9. Is this strain zoopathogenic? No phytopathogenic? No

- 10. Does this strain contain plasmids relevant to the patent process? Yes No

If so, what physical containment level is required for experiments as described in the National Institutes of Health Guidelines involving Recombinant DNA Molecules (i.e., P1, P2, P3 and P4 facility)?

*The answers to these questions are recommended but not required.

FOR ATCC USE ONLY	
ATCC NO.	<u>40342</u>
DATE CULTURE RECEIVED	_____
DATE VIABILITY TEST COMPLETED	_____

11. Isolated from? human genomic DNA library

12. In addition to those entitled to a sample under the Budapest Treaty, do you wish the strain made available to (Those entitled to a sample under the European Patent Convention will receive samples.):

a. Anyone who requests a culture (no restrictions on distribution from date of deposit or conversion to Budapest)? No

b. Other countries which are not signatory to the Budapest Treaty? Please state which countries: South Africa, Argentina, Canada, Chile, Columbia, Greece, Ireland, Israel, Malaysia, Mexico, New Zealand, Portugal, Taiwan
After a U.S. Patent issues, the ATCC makes the culture available to anyone who requests it.

13. Do you wish the ATCC to inform you of all requests for this strain? (This is allowed under the Treaty, but if you waive the right, the fee is reduced.) Yes

14. Would you like to be notified via telex or telephone of the ATCC number assigned to your strain (Fee: \$10.)? Yes

Telex No. 948219 Telephone No. (617) 876-1170

15. Viability testing certificate and contracts should be directed to:

Mary E. Bak
Genetics Institute, Inc.
87 CambridgePark Drive
Cambridge, MA 02140

16. Check in payment of service must accompany the deposit unless prior arrangements are made and approved. If arrangements have been made to bill you for services, an invoice should be sent to:

Mary E. Bak
Genetics Institute, Inc.
87 CambridgePark Drive
Cambridge, MA 02140

17. Name and address of attorney (to whom information will be made available if you complete):

Mary E. Bak
Genetics Institute, Inc., 87 CambridgePark Drive, Cambridge, MA 02140

18. Additional comments: _____

I understand and agree that the deposit may not be withdrawn by me for the period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit).

DATE 6/15/87 SIGNATURE OF DEPOSITOR John Wozney

Genetics Institute, Inc.

John Wozney

On behalf of (Name of company or institution if signed on their behalf)

(Typed name of Depositor)

Address: Genetics Institute, Inc.

87 CambridgePark Drive

Cambridge, MA 02140

THIS FORM MUST BE COMPLETED IN ENGLISH

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Mrs. Bobbie A. Brandon
American Type Culture Collection
12301 Parklawn Drive
Rockville, Maryland 20852 USA

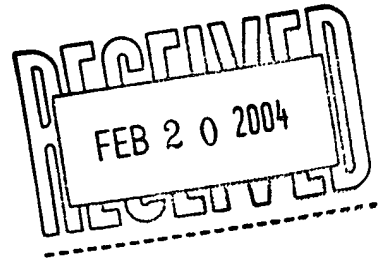
*The answers to these questions are recommended but not required.



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Services under 37 C.F.R. § 1.8 on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on February 3, 2004
Date



K. Bastarache
Kathleen M. Bastarache